

REMARKS

Applicant is in receipt of the Office Action dated March 1, 2005 imposing a Restriction Requirement. This is a fully and timely response to that Action.

By the present paper, claim 39 is cancelled. Consequently, claims 1–38 and 40–42 are now pending for examination.

In the outstanding Office Action, a Restriction Requirement was made as between the following sets of claims:

- I. Claims 1–14 and 40, allegedly drawn to a wafer product, classified in class 426, subclass 656.
- II. Claims 15–18, allegedly drawn to a batter product, classified in class 426, subclass 656.
- III. Claims 19, 20, 41, and 42, allegedly drawn to a snack product, classified in class 426, subclass 656.
- IV. Claims 21 and 22, allegedly drawn to a method of making a wafer product, classified in class 426, subclass 656.
- V. Claims 23–29, allegedly drawn to a method of making a batter product, classified in class 426, subclass 656.
- VI. Claims 30–38, allegedly drawn to a method of making a snack product, classified in class 426, subclass 656.
- VII. Claim 39, allegedly drawn to a diet, classified in class 514, subclass 560.

In response, Applicant provisionally elects group I, claims 1–14 and 40, with traverse. Consequently, claims 15–38, 41, and 42 are labeled above as “withdrawn.”

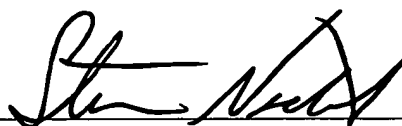
While the indicated claim groups may be independently patentable, it is respectfully submitted that the subject matter of the claim groups I-VI is sufficiently related that a thorough search for the subject matter of any such claim group would encompass a search for the subject matter of the other claim groups. This is reinforced by the fact that the first six groups of claims are all classified in the same class and subclass. See Office Action, page 2, paragraph 1 (groups I, II, III, IV, V, and VI each classified in class 426, subclass 656). Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

MPEP § 803 states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” (Emphasis added).

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to the Applicant and duplicative examination by the Patent Office. Thus, Applicant provisionally elects group I, claims 1–14 and 40, with traverse. Withdrawal of the restriction requirement is respectfully requested.

If the Examiner has any questions or suggestions for placing the application in better form, the Examiner is requested to call the undersigned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven L. Nichols", written over a horizontal line.

Steven L. Nichols
Reg. No. 40,326
Rader, Fishman & Grauer, PLLC
RiverPark Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, UT 84095
(801) 572-0185

Date: March 29, 2005